

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

NORTH JERSEY BRAIN & SPINE
CENTER,

Plaintiff,

vs.

CIGNA HEALTHCARE OF NEW JERSEY,
INC. and CIGNA CORPORATION,

Defendants.

Civil Action No.: 10-4260 (GEB) (MCA)

Document Electronically Filed

**STIPULATION OF DISMISSAL AND
FOR AN AMENDED COMPLAINT
SUBSTITUTING CONNECTICUT
GENERAL LIFE INSURANCE
COMPANY AS A DEFENDANT IN LIEU
OF CIGNA HEALTHCARE OF NEW
JERSEY, INC. AND CIGNA
CORPORATION**

THIS MATTER having been brought before the Court on the joint application of Connecticut General Life Insurance Company ("CGLIC"), and defendants Cigna Corporation and CIGNA Healthcare of New Jersey, by its counsel, Gibbons P.C. and Plaintiff North Jersey Brain and Spine Center, by its counsel Mazie, Slater, Katz & Freeman, LLC, for the entry of a Stipulation and Consent Order for an Amended Complaint asserting claims against Connecticut Life Insurance Company as a Defendant in lieu of CIGNA Healthcare of New Jersey, Inc. and Cigna Corporation, and for certain other relief, and it being hereby,

STIPULATED AND AGREED pursuant to Federal Rule of Civil Procedure 4(a) (1)(A)(i) that all claims by and between Plaintiff and Defendant Cigna Corporation be, and the same hereby are, dismissed without prejudice and without costs against any party and all such claims are tolled, from the date that this action was filed and continuing during the pendency of the complaint and any amended complaint filed in this action, for purposes of any applicable statute of limitations and/or assertion of laches, and it is further

STIPULATED AND AGREED, pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(i), that all claims by and between Plaintiff and Defendant CIGNA Healthcare of New Jersey, Inc. be, and the same hereby are, dismissed without prejudice and without costs against any party and all such claims are tolled, from the date that this action was filed and continuing during the pendency of the complaint and any amended complaint filed in this action, for purposes of any applicable statute of limitations and/or assertion of laches, and it is further

STIPULATED AND AGREED that CGLIC is the correct defendant to this action and that Cigna Corporation and Cigna Healthcare of New Jersey were improperly pleaded in this action; and it is further

STIPULATED AND AGREED that, within ten (10) days of the date that this Stipulation is approved and entered by the Court, Plaintiff North Jersey Brain and Spine Center shall file an Amended Complaint naming CGLIC as the real defendant in interest and that all further pleadings in this matter shall be captioned: "North Jersey Brain and Spine Center v. Connecticut General Life Insurance Company", and it is further

STIPULATED AND AGREED that, within twenty (20) days of the date that Plaintiff files the Amended Complaint, CGLIC shall file an answer or otherwise respond to the Amended Complaint; and it is further

STIPULATED AND AGREED and that CGLIC will not contest the Court's exercise of personal jurisdiction over it in this action, and it is further

STIPULATED AND AGREED that if CIGNA Healthcare of New Jersey, Cigna Corporation or any other affiliate of Cigna Corporation (collectively, "CIGNA Affiliates") is later determined to be involved in any of the substantive allegations of the Amended Complaint

as presently pled in the existing Complaint, then CGLIC will not seek to avoid liability or payment of damages based on the involvement of the CIGNA Affiliates, and it is further

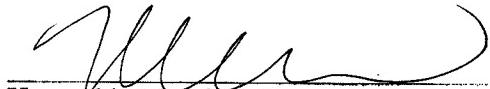
STIPULATED AND AGREED that this stipulation (i) does not constitute an admission of liability nor an admission of any fact or point of law by CGLIC, (ii) is with a full reservation of all rights, claims and defenses that CGLIC may have; and (iii) is with a full reservation of all rights that Plaintiff may have including, but not limited to, challenging the existence of alleged subject matter jurisdiction that has been or may be asserted by CGLIC or any CIGNA Affiliates pertaining to the Amended Complaint or any subsequent pleading that may be filed by Plaintiff."

STIPULATED AND AGREED TO BY:

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Cigna Corporation, CIGNA Healthcare of New Jersey, Inc. and
Connecticut General Life Insurance Company

SO ORDERED:


Honorable Madeline Cox Arleo
United States Magistrate Judge

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